

BACHMAN & LaPOINTE, P.C.
 REGISTERED PATENT ATTORNEYS
 SPECIALIZING IN INTELLECTUAL PROPERTY

RECEIVED
 CENTRAL FAX CENTER
 JUN 19 2008

SUITE 1201
 900 CHAPEL STREET
 NEW HAVEN, CONNECTICUT 06510-2802

GREGORY P. LAPOINTE
 BARRY L. KELMACHTER (ALSO VA BAR)
 GEORGE A. COURY (ALSO NY BAR)
 WILLIAM B. SLATE (ALSO CA AND DC BARS)
 ROSS J. CHRISTIE (ALSO NY BAR)

TELEPHONE (203) 777-6628
 FAX (203) 865-0297
 (203) 789-0582

TELECOPIER COVER LETTER

To: USPTO

From: William B. Slate

FAX #: 571-273-8300

Date: June 19, 2008

Your Ref.: SN 10/734,696

Our Ref.: 085.10762-US (03-501)

Number of Pages including this sheet: 3

Confirmation Copy to Follow: Yes XX No

* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 19th day of June, 2008 to the USPTO, at Fax No. 571-273-8300.


 Antoinette Sullo

Please acknowledge receipt of this letter by email, telephone, telefax or telex and advise us if any pages are not readily legible or have not been received.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately and destroy this transmittal.

BACHMAN & LAPOINTE, P.C.
 TELEPHONE: (203) 777-6628
 TELEFAX : (203) 865-0297

JUN 19 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.:	10/734,696	Att'y Docket:	EH-10762 (03-501)
Filing Date:	December 12, 2003	Conf No.:	1219
Inventor(s):	Robert L. Memmen et al.	Group Art Unit:	3726
Assignee:	United Technologies Corporation	Examiner:	John C. Hong
Title:	TURBINE ELEMENT REPAIR		

Correspondence Address:
Customer Number 34704

REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests reconsideration of the finality of the April 28, 2008 Office action as being premature and requests the finality be withdrawn.

If necessary for consideration, Applicant requests that this request be treated as a petition.

Claims 1, 2, 6-12, and 15 were rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. (US2002/0076573) in view of JP08209339.

Claims 3 and 5 were rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of JP2003188115. JP '115 was newly cited. The examiner provided a translation of JP '115.

Claim 4 was rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of Osada et al. (US5624720).

Claim 13 was rejected under 35 U.S.C 103(a) as being unpatentable over Neal et al. and JP '339 in further view of Carl, Jr. et al. (US6754955).

The Office action asserted that Applicant's amendment necessitated the new ground(s) of rejection. Office action, page 7, §8. All the above are new grounds.

MPEP 706.07(a) states that a "final rejection is improper where there is another new ground of rejection introduced by the examiner which was not necessitated by amendment to the claims." MPEP 8, Rev. 6, p. 700-83, col. 2 (9/2007). That section further provides that the action